

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

NEW YORK SMSA LIMITED
PARTNERSHIP d/b/a VERIZON
WIRELESS,

Plaintiff,

v.

THE BOROUGH OF SPRING LAKE,
THE BOROUGH COUNCIL OF THE
BOROUGH OF SPRING LAKE,
JENNIFER NAUGHTON, etc., and
MATTHEW ZAHORSKY, etc.,

Defendants.

3:24-CV-10378 (RK)(JTQ)

**NOTICE OF MOTION FOR
DISMISSAL**

TO: Robert Gaudio, Esq.
SNYDER & SNYDER, LLP
94 White Plains Road
Tarrytown, New York 10591

PLEASE TAKE NOTICE that, on May 19, 2025, at 9:30 a.m. or as soon as counsel may be heard, the undersigned will move on behalf of defendants Borough of Spring Lake, Borough Council of the Borough of Spring Lake, Jennifer Naughton and Matthew Zahorsky (“Defendants”) for an Order staying this action pending completion of Plaintiff’s application for County approval of its proposed installation of 5G poles within the right of way of Ocean Avenue in

Spring Lake, or, alternatively, dismissing the Complaint for failure to join an indispensable party, pursuant to Fed. R. Civ. P. 12(b)(7), or for lack of ripeness, pursuant to Fed. R. Civ. P. 12(b)(1), or (as to Count IV of the Amended Complaint) for failure to state a claim upon which relief can be granted, pursuant to Fed. R. Civ. P. 12(b)(6).

PLEASE TAKE FURTHER NOTICE that, in support of its motion, Defendants shall rely on the accompanying Brief and Certification of Counsel. A proposed form of Order accompanies Defendants' Motion.

Oral argument is requested.

**DECOTIIS, FITZPATRICK, COLE
& GIBLIN, LLP**

By: /s/ Benjamin Clarke
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Attorneys for Defendants

Dated: March 25, 2025